REMARKS

This paper is in response to the Restriction Requirement dated November 8, 2005. As set forth below, Applicant elects the claims of Group I, Claims 1-7 and 12-21.

Applicant has amended the application as set forth above. Specifically, Claims 1 and 16 have been amended to correct grammatical errors. New Claims 23 and 24 have been added to further define additional aspects of the invention. Claim 23 is fully supported by the originally filed application including, for example, Claim 8. Claim 24 is also supported by the originally filed application including, for example, Claims 1, 16 and 17. As such, no new matter has been added by the amendments.

Upon the entry of the amendments, Claims 1-24 are pending in this application. Applicant respectfully requests the entry of the amendments and continued examination of the application in view of the above amendments and the following remarks.

Discussion of Objection to Claim 16

The Examiner objected to Claim 16 as including informalities in the preamble. In reply, Applicant has amended Claim 16 to correct a grammatical error that the Examiner indicated.

Election of Invention

In the Restriction Requirement, the Examiner stated that this application includes more than one invention identified as follows:

Group I: Claims 1-7 and 12-21 drawn to an electronic vehicle loan approval system, classified in class 705, subclass 35; and

Group II: Claims 8-11 and 22 drawn to a computerized method of determining the most advantageous loan application, classified in class 705, subclass 38.

In response, Applicant **elects Group I (Claims 1-7 and 12-21)**. Applicant **elects Claim 23 as well**. Applicant respectfully submits that new Claim 23 belongs to Group I as depending from Claim 16 and directed to the same subject matter as Claim 16.

Applicant notes that Group I purportedly relates to an electronic vehicle approval *system*. However, Claims 16-21, which are included within Group I, are directed to a computerized method. Applicant also notes that Group II purportedly relates to a computerized *method*, however, Claim 22 within Group II is drawn to a computer system.

Traversal of Restriction Requirement

The Examiner argues that the inventions of Group I and Group II are separately patentable because the invention of Group II utility for determining the most advantageous loan application. The Examiner also argues that the inventions have acquired a separate status in the art as shown by their different classification. Applicant respectfully disagrees.

A restriction requirement is appropriate only if the different groups are independent and distinct. See M.P.E.P. § 802.01. Inventions are independent if they 1) have different modes of operation, functions, or effects; 2) are directed to process and apparatus where the apparatus cannot be used to practice the process; or 3) are directed unrelated species under a genus. See M.P.E.P. § 806.04. In making a restriction requirement, Examiners must set forth: 1) the reasons why the inventions are either independent or distinct and 2) the reasons for insisting upon restriction. See M.P.E.P. § 808. Where the inventions are related, the reasons for insisting upon restriction must include at least one of the following: 1) each distinct subject has attained recognition in the art as a separate subject for inventive effort, 2) an explanation indicates a recognition of separate inventive effort by the inventors, or 3) each subject has a different field of search such that it is necessary to search for one of the distinct subjects in places where no pertinent art to the other subject exists. See M.P.E.P. § 808.02.

Applicant notes that all of the pending claims, including all of the claims of Groups I and II involve the common inventive feature of determining or finding most advantageous loans to a vehicle dealership. To accomplish this, the claims include the step of ranking a plurality of loan approvals, or a module or means to rank a plurality of loan approvals. Applicant notes that the steps of method Claim 16 (Group I), are almost identical to method carried out by the system of Claim 22 (Group II). While the preambles of the claims within Groups I and II differ, the actual steps and components of those claims are intimately related. Accordingly, the claims of both Groups I and II relate to systems and methods for determining the most advantageous loan application to a vehicle dealership.

In addition, Applicant notes that class 705/ subclass 35 relates to a computerized arrangement for planning the disposition or use of funds or securities, or extension of credit. Class 705/ subclass 38 relates to a computerized arrangement for evaluation of the risk factors in a loan determination. Applicant does not see how the subject matter of Group I falls only within

subclass 35, and the subject matter of Group II falls only within subclass 38, when these two subclasses essentially describe the same types of systems. Applicant does not find any particular risk factors recited by the claims of Group II that are not found in the claims of Group I. Similarly, Applicant does not find arrangements for extension of credit that are only found within the claims of Group I, but not found within the claims of Group II. For this reason, Applicant urges that these inventions have not acquired a separate status in the art, because they are not properly separable into subclasses 35 and 38 of class 705.

Moreover, in order for a proper restriction requirement, there must be a serious burden on the examiner if restriction is not required. *See* M.P.E.P. § 808. However, prior to this restriction requirement, Claims 1-22 were fully examined and prosecuted on the merits. Specifically, two Office Actions rejecting Claims 1-22 were issued, and Applicant responded to these Office Actions in order to advance prosecution. Applicant respectfully submits that, given the prior examination, continuing the examination of the same claims would not create a serious burden on the examiner.

Applicant notes that the two Office Actions were issued by another examiner and the instant restriction requirement is made by a new examiner. However, Applicant respectfully submits that a change of examiners at the PTO should not justify the assertion of a serious burden, when no such burden would be found if a new examiner had not been assigned to the application. Additionally, in view of the significant prosecution on the merits of this case, the new Examiner has the benefit of the earlier examiner's search and examination results. For all of these reasons, Applicant respectfully submits that it would not require a *serious burden* for the examiner to review the claims of Groups I and II together.

In view of the foregoing, Applicant respectfully requests withdrawal of the restriction requirement and continued examination of all the pending claims.

Should the Examiner refuse to examine all of the claims together, Applicant reserves the right to file a petition to the Commissioner regarding this restriction, and to further prosecute any withdrawn claims in divisional applications, if necessary, under the provisions of 35 U.S.C. § 121.

Rejoinder of Non-elected Claims

As set forth in M.P.E.P. § 821.04, when product claims are presented for examination and are found allowable, process claims directed to making and/or using the product will be entered as a matter of right if the process claims depend from the patentable product claims. New Claim 24 is drawn to a method of using the system of Claim 1 and depends from Claim 1. Applicant respectfully requests that Claim 24 be rejoined upon allowance of Claim 1, respectively.

CONCLUSION

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Entry of the amendments is respectfully requested. If the Examiner has any questions which may be answered by telephone, she is respectfully invited to call the undersigned directly.

Respectfully submitted,

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